

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FLOYD'S OF LEADVILLE, INC.,  
N/K/A VALUED, INC.,

Plaintiff,

v.

CASE NO.: 1:22-cv-03318-MKV

ALEXANDER CAPITAL, L.P., et al.,

Defendants.

**NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)**

Plaintiff Floyd's of Leadville, Inc., n/k/a Valued, Inc., hereby provides notice pursuant to Federal Rule of Civil Procedure 4(a)(1)(A)(i) that it voluntarily dismisses its claims against Defendant Howard DiSilva with prejudice. Defendant DiSilva has neither served an answer nor a motion for summary judgment, and therefore dismissal may be achieved by notice pursuant to Federal Rule of Civil Procedure 4(a)(1)(A)(i).

Dated: March 6, 2023.

Respectfully submitted,

/s/ Nicholas W. Katz

Matthew J. Smith, #32043 (CO)

Nicholas W. Katz, #55136 (CO)

HOLLAND & HART LLP

555 Seventeenth Street, Suite 3200

Denver, CO 80202

mjsmith@hollandhart.com

nwkatz@hollandhart.com

Ryan M. Billings, #1084543 (WI)

KOHNER, MANN & KAILAS, S.C.

4650 N. Port Washington Road

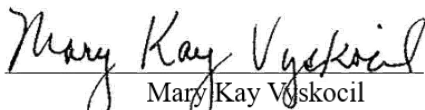
Milwaukee, WI 53212

rbillings@kkmksc.com

***Attorneys for Plaintiff Floyd's of Leadville,  
Inc., n/k/a Valued, Inc***

**SO ORDERED. The motion pending at ECF  
No. 85 is DENIED as moot. The Clerk of  
Court is respectfully requested to terminate  
docket entry 85. SO ORDERED.**

Date: 3/7/2023  
New York, New York

  
Mary Kay Vyskocil  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on March 6, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

*s/ Nicholas W. Katz*

Nicholas W. Katz

21034349\_v1